

Rationale for the “Uncontaminated Soil” Policy

The Indiana Department of Environmental Management (IDEM) “Uncontaminated Soil” Policy is intended to determine when soil contains constituents at low enough levels to be considered uncontaminated. Soil for the purpose of this policy is synonymous with dirt. Soil is a collection of naturally occurring unconsolidated earthen material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand or gravel. The compositions of soils vary extensively based on the types of parent materials and the type of environment in which the soil developed.

IDEM is proposing to allow the regulated community to operate more efficiently within the rules and statutes related to the management and disposal of soil containing low levels of human introduced constituents while still being protective of human health and the environment.

State rule exempts the disposal of uncontaminated ‘dirt’ [329 IAC 10-3-1(1) and 329 IAC 11-3-1(1)] from being a solid waste management activity. However, “uncontaminated” is not defined in the Solid Waste Regulations.

With the advent of the “risk approach” using health-based standards to determine cleanup levels, the meaning of the term ‘uncontaminated’ has become even more blurred. Currently, concentrations of human-introduced constituents can be contained in a soil and that soil could be ‘clean’ enough to remain on-site unaddressed. However, if excavated, the soil would be subject to Solid Waste regulations for disposal.

As stated earlier, the state solid waste rules exempt “uncontaminated” dirt (soil). Under the current application of that exemption, dirt (soil) containing any concentration of human introduced constituents would be considered contaminated and would be regulated as a solid waste. The Uncontaminated Soil Policy is intended to establish consistent criteria that will allow soil containing low levels of constituents to be considered “uncontaminated” and not a solid waste. The level of constituent allowed would be based on the US EPA Site Screening Levels currently adopted by the IDEM and used in the IDEM Remediation Closure Guidance (RCG) document. Specifically, the Residential Screening Levels would be used to establish the soil as “uncontaminated”. These health-based screening levels, while used by IDEM, are continually researched, updated, and maintained by the US EPA. The use of the federal screening level number allows for added consistency with US EPA and with other states utilizing the same information.

This policy will allow:

- A consistent approach to determining when soil is “uncontaminated”.
- Use of minimally impacted soil.
- “Uncontaminated” soil to be diverted from landfill disposal.
- A clear standard for the public and business.

This approach has been used in the ‘Contained-In’ policy which compares the concentrations of hazardous constituents in soils to the health-based cleanup levels used as exit criteria from the hazardous waste regulation.

The ‘Uncontaminated Soil’ Non-Rule Policy will complement and complete the ‘Contained-In’ Non-Rule Policy by addressing soil with constituent levels below the Residential Screening Levels. Both are intended to address ambiguity in the regulation of soils minimally impacted with human-introduced constituents.